

Serial No.: 10/628,320

Response to Office Action mailed April 24, 2006

REMARKS

The Office Action of April 24, 2006 has been carefully reviewed and these remarks are responsive thereto.

Claims 1-20 are pending. The specification was objected to because of certain informalities in item numbering. Claims 1-13 and 15 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claims 19 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gott in view of Grunert. Claims 14, 16 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Gott in view of Grunert and Edwards. Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Gott in view of Edwards and further in view of Rossetti.

In response, claims 1, 2, 5-9, 14-15 and 19-20 have been amended. Claims 21-24 have been added. Three paragraphs of the specification on pages 13, 17, and 19 have been replaced. No new matter has been added by this response.

Rejection under 35 U.S.C. § 112

Claims 1-13 and 15 were rejected as failing to comply with 35 U.S.C § 112, first paragraph. In the Office Action, the Examiner stated that the previously presented limitation "a sensor for detecting the amount of material dispensed" was not supported by the specification; rather, the specification only supported a sensor that detected the "presence" of material and not the "amount" of material.

In response, claim 1 has been clarified to recite, in combination with the other recited features, "a sensor for detecting the presence of material dispensing into the receiving container." Similarly, claim 7 has been clarified to recite "utilizing a sensor to detect the presence of material directed to the receiving container." Also, claim 9 has been clarified to recite "a sensor for detecting the presence of material discharged through the pressure responsive valve." In addition, claim 14 has been amended to add the following limitation from claim 15, namely, "a sensor for detecting the presence of material discharged through the pressure responsive valve." Consequently, all claims that previously recited "a sensor for detecting the amount of material" have been clarified. Because support for this clarification is found in the specification, as noted by the Examiner, no new matter has been added to these claims. It is

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respectfully submitted that independent claims 1, 7, 9 and 14 are now in compliance with 35 U.S.C. § 112, first paragraph. Accordingly, withdrawal of this ground of rejection is respectfully requested. Because this was the only rejection for independent claims 1, 7 and 9, the Applicant submits these claims are now in allowable condition as well as all claims depending from these independent claims.

Rejection under 35 U.S.C. § 103(a) – Gott & Grunert

Claims 19 and 20 were rejected as being unpatentable under 35 U.S.C. § 103(a) over Gott in view of Grunert.

In response, to clarify the structure and function of the dispenser, independent claim 19 has been amended to recite, in combination with the other recited features, the dispenser comprising a "dispenser cylinder and a piston body" for controlling the dispensing of material through a pressure responsive valve that will open rollingly upon the application of pressure exerted "by the piston body" on the material to be dispensed, the valve ... "cutting the material."

Claim 19, as amended, is directed to a dispenser that includes among other features a pressure responsive valve that is substantially different than the valve of Grunert. Grunert describes a "flow control valve having an overall reduction in noise" (C. 5 L. 53-55). Figures 2 and 6 from Grunert are illustrated below.

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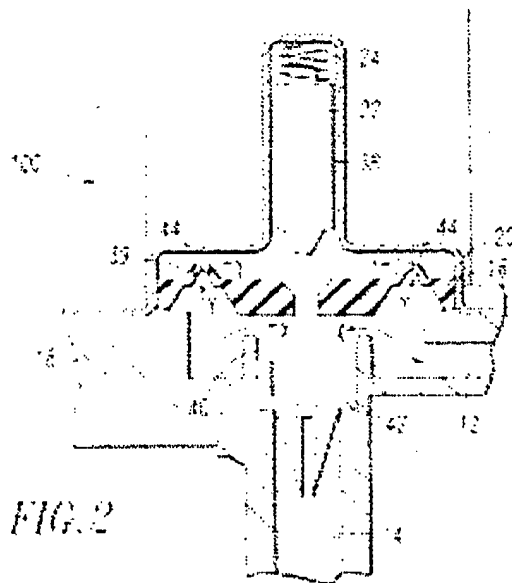


FIG. 2

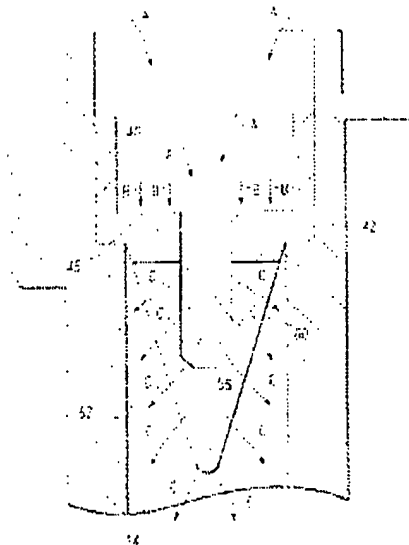


FIG. 6

In the Office Action, the recited pressure responsive valve is compared to an element within the flow control valve of Grunert, flex region 39. Flex region 39, however, is a section of diaphragm 16, the diaphragm containing openings 44 to allow fluid from splash zone 40 to enter cavity 38 and fill the space around the armature 22, and whose function is to provide a dampening effect on the armature's vibration by floating armature 22 in a quiet area (see C. 4 L. 37-44). Flex region 39 is not comparable to the pressure responsive valve of claim 19. For example, the flex region 39 does not open rollingly as recited in claim 19 and described in the specification. Additionally, Grunert does not teach that the flex region 39 cuts the fluid as it enters the cavity 38, as recited in claim 19 and made possible by the rolling features of the pressure responsive valve of claim 19. In fact, in Grunert, as material is dispensed through the flow control valve, Grunert teaches away from the present invention by stating, "As the fluid passes through the orifice 50, the fluid is expelled in a radially outward direction towards the side wall 62 of the outlet passage 14. This being carried out in the direction of arrows C. In doing so, the fluid passing through the orifice 50 is spanned out in a fan like manner as it proceeds to the edge or the nose of the channel." It is apparent that this manner of dispensing fluid will not cleanly stop the flow of material or prevent fluid from remaining on the edge of the valve cone.

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In view of these remarks and amendments, it is respectfully submitted that Gott or Grunert, alone or in combination, do not teach the recited combination of features of amended claims 19 and 20. Accordingly, for at least the above reasons, withdrawal of this ground of rejection is requested.

Rejection under 35 U.S.C § 103(a) – Gott, Grunert & Edwards, & Rossetti

Claims 14, 16, and 18 were rejected as being unpatentable under 35 U.S.C. § 103(a) over Gott in view of Grunert and Edwards. Claim 17 was rejected as being unpatentable under 35 U.S.C. 103(a) over Gott in view of Grunert and Edwards and further in view of Rossetti.

In response, to clarify the structure and function of the pressure responsive valve, independent claim 14 has been amended to recite, in combination with the other recited features, "a pressure responsive valve that will open rollingly to control the flow of material to be dispensed, and will close to cut the material to be dispensed; a sensor for detecting the presence of material discharged through the pressure responsive valve." As discussed above, the recited pressure responsive valve is substantially different from the noise-reducing flow control valve of Grunert. Additionally, claim 14 recites the use of a sensor for detecting the presence of material discharged through the pressure responsive valve. The combination of features in amended claim 14 is not taught or suggested by Grunert, Gott or Edwards, alone or in combination. It is noted that claims 1, 7 and 9 which recite a similar combination were not deemed obvious in view of these references.

In view of these amendments, it is respectfully submitted that Gott, Grunert, Edwards, or Rossetti, alone or in combination, do not teach the recited combination of features of claims 14 and 16-18 as the newly clarified features, in combination with the other features, are not found in any of these references. Accordingly, for at least the above reasons, withdrawal of this ground of rejection is requested.

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CONCLUSION

All rejections and objections having been addressed and no new matter added. Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: June 29, 2006

By: 

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